

**REMARKS**

At the time of the Third Office Action dated December 22, 2009, claims 6-9 and 13-16 were pending and rejected in this application. Claims 17-20 have been added, and Applicant respectfully submits that the present Amendment does not generate any new matter issue.

**CLAIMS 6 AND 13 ARE REJECTED UNDER 35 U.S.C. § 102 AS BEING ANTICIPATED BY EZRA, U.S. PATENT NO. 6,594,742**

On pages 2-5 of the Third Office Action, the Examiner asserted that Ezra discloses the invention corresponding to that claimed. This rejection is respectfully traversed.

Independent claims 6 and 13 have been amended to recite that an alive value is established for the object instance in memory. Additionally, the alive value is based upon whether the object instance is referenced by another object instance in the memory. Also, the object instance is processed as a loiterer if, based upon the alive value, the object instance is not established as being alive. Newly presented claim 17 includes similar limitations. Therefore, Applicant respectfully submits that the Examiner's rejection of claims 6 and 13 is moot based upon these added limitations.

Moreover, these features are neither taught nor suggested by Ezra, and thus, Hamada fails to identically disclose the claimed invention, as recited in amended claims 6 and 13, within the meaning of 35 U.S.C. § 102. Therefore, Applicant respectfully submits that a rejection of claims 6, 13, and 17 under 35 U.S.C. § 102 for anticipation based upon Ezra would not be proper.

**CLAIMS 7 AND 14 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED  
UPON EZRA IN VIEW OF CHAKRABORTY ET AL., U.S. PATENT PUBLICATION NO. 2002/0165870**

On pages 5 and 6 of the Third Office Action, the Examiner concluded that one having ordinary skill in the art would have considered the claimed invention to be obvious in view of Ezra and Chakraborty. This rejection is respectfully traversed.

Claims 7 and 14 respectively depend from independent claims 6 and 13, and Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claims 6 and 13 under 35 U.S.C. § 102 for anticipation based upon Ezra. The secondary reference to Chakraborty does not cure the argued deficiencies of Ezra. Accordingly, even if one having ordinary skill in the art were motivated to modify Ezra in view of Chakraborty, the proposed combination of references would not yield the claimed invention. Applicant, therefore, respectfully submit that an imposed rejection of claims 7 and 14 under 35 U.S.C. § 103 for obviousness based upon Ezra in view of Chakraborty would not be viable.

**CLAIMS 8 AND 15 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED  
UPON EZRA IN VIEW OF SHAATH ET AL., U.S. PATENT PUBLICATION NO. 2006/0010150**

On pages 6-8 of the Third Office Action, the Examiner concluded that one having ordinary skill in the art would have considered the claimed invention to be obvious in view of Ezra and Shaath. This rejection is respectfully traversed.

1           Claims 8 and 15 respectively depend from independent claims 6 and 13, and Applicant  
2 incorporates herein the arguments previously advanced in traversing the imposed rejection of claims  
3 6 and 13 under 35 U.S.C. § 102 for anticipation based upon Ezra. The secondary reference to  
4 Shaath does not cure the argued deficiencies of Ezra. Accordingly, even if one having ordinary skill  
5 in the art were motivated to modify Ezra in view of Shaath, the proposed combination of references  
6 would not yield the claimed invention. Applicant, therefore, respectfully submit that an imposed  
7 rejection of claims 8 and 15 under 35 U.S.C. § 103 for obviousness based upon Ezra in view of  
8 Shaath would not be viable.

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10           **CLAIMS 9 AND 16 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED**  
11 **UPON EZRA IN VIEW OF OZAWA ET AL., U.S. PATENT PUBLICATION NO. 2001/0023478**

12           On pages 8 and 9 of the Third Office Action, the Examiner concluded that one having  
13 ordinary skill in the art would have considered the claimed invention to be obvious in view of Ezra  
14 and Ozawa. This rejection is respectfully traversed.

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16           Claims 9 and 16 respectively depend from independent claims 6 and 13, and Applicant  
17 incorporates herein the arguments previously advanced in traversing the imposed rejection of claims  
18 6 and 13 under 35 U.S.C. § 102 for anticipation based upon Ezra. The secondary reference to  
19 Ozawa does not cure the argued deficiencies of Ezra. Accordingly, even if one having ordinary  
20 skill in the art were motivated to modify Ezra in view of Ozawa, the proposed combination of  
21 references would not yield the claimed invention. Applicant, therefore, respectfully submit that an  
22 imposed rejection of claims 9 and 16 under 35 U.S.C. § 103 for obviousness based upon Ezra in  
23 view of Ozawa would not be viable.

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully requests reconsideration and prompt allowance of the pending claims.

Although Applicant believes that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added)

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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Respectfully submitted,

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